

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

KENNETH K. FAVRE

PLAINTIFF

V.

CIVIL ACTION NO.1:07CV55 LTS-RHW

ALLSTATE INSURANCE COMPANY and
WELLS FARGO HOME MORTGAGE, INC.

DEFENDANTS

**ORDER GRANTING ALLSTATE INSURANCE COMPANY'S MOTION [33] FOR
RECONSIDERATION OF THE OPINION [31] AND ORDER [32] GRANTING
ALLSTATE'S MOTION [23] TO ENFORCE SETTLEMENT AGREEMENT**

In accordance with the Memorandum Opinion I have this day signed, it is hereby

ORDERED

That Allstate Insurance Company's motion [33] for reconsideration is **GRANTED**, and the Court's prior Opinion [31] and Order [32] are amended to conform with the Memorandum Opinion I have this day signed; and

That the plaintiff shall file, within fourteen days of the date of this order, a pleading setting out his position concerning the following issues:

1) whether he contests the validity of the Wells Fargo mortgage and/or the validity of Wells Fargo's security interest in the insured property;

2) whether he contests the amount, if any, Wells Fargo is entitled to receive under the terms of the mortgage instruments and the Settlement Agreement;

3) his grounds for refusing to pay the outstanding balance of the Wells Fargo mortgage; and

4) whether he contests the right Allstate has asserted under the terms of the Settlement Agreement to require Favre to discharge the Wells Fargo mortgage lien on the insured property or to reimburse Allstate in the event Allstate is required to discharge the mortgage debt.

The plaintiff shall attach to this pleading his affidavit setting out the relevant facts that support his positions that are within his first hand knowledge.

Once this pleading has been filed, and the facts this pleading shows to be in controversy have been established, I will enter an order that will allow the parties to discover, develop, and present all the relevant evidence bearing on the merits of this entire dispute, and, in due course, I will resolve this dispute and enforce the terms of the Settlement Agreement and the other documents that establish the rights and interests of the parties.

SO ORDERED this 29th day of September, 2010.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE